IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

Prem Chand **Versus** Smt. Pappi

S.B. CIVIL REVISION PETITION NO.105/2005

DATE OF ORDER : 10/10/2006

Hon'ble Shri Justice Ajay Rastogi

Shri Bipin Gupta, for petitioner

BY THE COURT:

Instant revision petition has been filed against the order dated 15th July, 2005 whereby the learned Judge on the application filed u/s.24 of Hindu Marriage Act, granted maintenance to the wife for a sum of Rs.800/- per month.

Counsel for revision petitioner submits that he is a labourer and a separate application was filed by the non-petitioner u/s.125 Cr.P.C. where maintenance for a sum of Rs.500/- has been awarded, which has not been noticed by the learned Judge while awarding further maintenance to her under the order impugned dated 15th July, 2005 and looking to the financial condition of the revision petitioner himself, it is really very difficult to pay a sum of Rs.1300/- which includes Rs.800/- awarded under the present order impugned and Rs.500/- which has been awarded under the order passed on application u/s.125 Cr.P.C.

I have considered the submission of the counsel and also perused the order impugned.

The total sum, which according to the petitioner

himself, is Rs.1300/- awarded towards maintenance and in the present situation what has been awarded, in my opinion, cannot be said to be on the higher side which requires interference and even otherwise, it is duty of the petitioner to maintain his wife in all respect. I do not find any error committed by the learned Judge in passing the order impugned.

Consequently, the revision petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRBOHRA,JR.P.A.